

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

Introduced

### House Bill 2856

FISCAL  
NOTE

BY DELEGATES O'NEAL, COOPER, AMBLER, MILLER, C.,

BOGGS, FAST, KESSINGER, WHITE, SOBONYA, ROMINE,

C. AND ROHRBACH

[Introduced March 8, 2017; Referred

to the Committee on Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §5B-2-9a, relating to declaring public policy and legislative intent for improving  
 3 the marketing, quality and frequency of passenger rail service of the Cardinal Passenger  
 4 Train operated by the National Railroad Passenger Corporation, doing business as  
 5 AMTRAK, along the route crossing the south-central region of the state from Huntington  
 6 eastward to White Sulphur Springs; the powers and duties of the Commissioner of the  
 7 Division of Tourism and the tourism commission to achieve those policies and Legislative  
 8 intent; cooperation and assistance to be provided by the West Virginia Department of  
 9 Transportation and the West Virginia State Rail Authority to the commissioner and tourism  
 10 commission; cooperation of the commissioner with other states and the National Railroad  
 11 Passenger Corporation; participation in an interstate body to achieve such cooperation;  
 12 and creation of a Cardinal Passenger Train Enhancement Fund as a special revenue  
 13 account.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated § 5B-2-9a, to read as follows:

**ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.**

**§5B-2-9a. Powers and duties of Commissioner of the Division of Tourism and Tourism  
 Commission for improving Cardinal Passenger Train Service; declaration of public  
 policy and Legislative intent.**

1 (a) It is hereby declared the public policy of the State of West Virginia and the intent of the  
 2 Legislature to facilitate, advance and improve the availability of interstate passenger rail service  
 3 to the state, the contributions of such service to local tourism development including the Boy  
 4 Scouts of America Summit Bechtel Reserve in Fayette County, the marketing of such services for  
 5 both interstate rail travel for the benefit of the state’s citizens, businesses and local tourism and  
 6 to improve the quality and frequency of such service, including the provision of a daily passenger

7 train service at the earliest opportunity, of the Cardinal Passenger Train operated by the National  
8 Railroad Passenger Corporation, doing business as AMTRAK, on railroad lines crossing the  
9 south-central region of the state from Huntington eastward to White Sulphur Springs, being that  
10 same route historically and continuously used by the passenger train and its predecessors since  
11 the year 1871.

12 (b) Notwithstanding any other provision of this code to the contrary, the Commissioner of  
13 the Division of Tourism, with the advice of the tourism commission, and under the supervision of  
14 the Secretary of the West Virginia Department of Commerce, is authorized and directed to  
15 coordinate and supervise the activities of the state, to coordinate and cooperate with the political  
16 subdivisions and municipalities of the state, to cooperate with the National Railroad Passenger  
17 Corporation and with the other states served by the Cardinal Passenger Train to achieve the  
18 public policy set forth in subsection (a) of this section. The commissioner is authorized to conduct  
19 such studies, and make such investigations, as may be reasonable and appropriate to advance  
20 the public policy set forth in subsection (a) of this section.

21 (c) The commissioner is hereby authorized to enter into contracts and memoranda of  
22 understanding with the National Railroad Passenger Corporation, with the other states served by  
23 the Cardinal Passenger Train, and with the political subdivisions and municipalities of this state,  
24 to achieve the public policy set forth in subsection (a) of this section. The commissioner is further  
25 authorized to cooperate with the aforesaid other states and National Railroad Passenger  
26 Corporation in the formation of an interstate committee for the purpose of achieving the public  
27 policy set forth in subsection (a) of this section, to participate in said committee and appoint other  
28 designees thereto.

29 (d) In the exercise of their powers and duties under this section, the commissioner and  
30 tourism commission shall consult with the West Virginia Department of Transportation and the  
31 West Virginia State Rail Authority. The West Virginia Department of Transportation and the West  
32 Virginia State Rail Authority shall cooperate with the commissioner and the tourism commission,

33 and shall provide the commissioner and tourism commission with such reasonable and necessary  
34 assistance as may be possible based on available staff and funds to achieve the public policy set  
35 forth in subsection (a) of this section.

36 (e) There is hereby created a special revenue account, designated the "Cardinal  
37 Passenger Train Enhancement Fund" into which all moneys intended to advance the purposes  
38 of this section shall be deposited. Moneys in this account shall be expended solely for the public  
39 policy and purposes set forth in this section. Funds paid into this account may also be derived  
40 from the following sources: (1) All interest or return on investment accruing to this account; (2)  
41 any gifts, grants, bequests, transfers, appropriations or other donations which may be received  
42 from any governmental entity or unit or any person, firm, foundation, or corporation; and (3) any  
43 appropriations by the Legislature which may be made for the purposes of this section. Any  
44 balance including accrued interest and other earnings at the end of any fiscal year shall not revert  
45 to the general fund but shall remain in the fund for the purposes set forth in this section. The  
46 moneys in the fund shall be paid out, at the sole discretion and direction of the commissioner, to  
47 advance the purposes of this section.

NOTE: The purpose of this bill is to declare the public policy of the state of West Virginia and the intent of the Legislature to facilitate, advance and improve the availability of interstate passenger rail service to the state by the Cardinal Passenger Train operated by the National Railroad Passenger Corporation, doing business as AMTRAK, including the provision of daily passenger train service at the earliest opportunity, on railroad lines crossing the south-central region of the State from Huntington eastward to White Sulphur Springs. The Commissioner of the West Virginia Division of Tourism is authorized and directed to supervise the state's activities and to participate with other states and AMTRAK in an interstate committee to improve the Cardinal Passenger Train.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added